

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Denning, Stephen M. (for Matthew Miller – Brother – Conservator)

Petition for Substituted Judgment to Execute a Will [Prob. C. 2580(b)(13)]

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Age: 41					
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	Letters		1		
	Duties/Supp		6		
	Objections		S		
	Video Receipt		1		
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MATTHEW MILLER, Brother and Conservator of the Person, is Petitioner.

Petitioner states the purpose of this petition is to avoid intestacy and to provide for distribution of the conservatorship estate and the Alison Miller Special Needs Trust. The Conservatee lacks capacity for the proposed action and lacks legal capacity to state a position as to the proposed action. The proposed action is only for the purposes of providing for the ultimate distribution of the conservatorship estate and special needs trust estate on the conservatee's death and will have no adverse effect on the assets available for her care. Petitioner states that the circumstances show the proposed action that Alison Miller, acting as a reasonably prudent person, would take if she had capacity to do so.

The conservatee's existing estate plan consists of the special needs trust, which provides that the trust shall terminate on the death of the beneficiary and the trustee shall distribute the undistributed balance of the trust estate as the beneficiary may direct by the exercise of a special power of appointment, etc., subject to federal law requiring notice and reimbursement of state claims (language cited and copy provided). The trust provides that if the Conservatee fails to exercise the special power of appointment, that part must be distributed to her "heirs at law," which would be her father.

However, based on the following facts, it is reasonable to conclude that the Conservatee would not provide for her father, but would instead provide for her brothers, Andrew Miller and Matthew Miller.

When Alison was four months old, she became disabled after suffering a reaction to an immunization vaccine. Since that time, she has been profoundly handicapped, both physically and mentally. Shortly thereafter, her father abandoned her and has had no contact with her and provided no support in the subsequent 40+ years. Alison has a half-brother, Jeremy Miller, that she has never met.

Until her death, Alison's mother had been solely responsible for her care, and since her death, Alison's brothers, Andrew and Matthew, have taken responsibility for her care. Since her father and half-brother have not been a part of her life, it is reasonable to conclude that Alison Miller would prefer that the trust estate be given to her brothers.

Petitioner requests an Order authorizing Matthew Miller, as Conservator of the Person of Alison Miller, to execute the attached will under Probate Code §2580(b)(13), and for such other and further relief as the court deems proper.

The attached will appoints Petitioner as Executor and devises the estate equally to her two brothers.

NEEDS/PROBLEMS/COMMENTS:

Note: The Special Needs Trust established in 1998 was originally created in this conservatorship file and was later assigned a different case number (09CEPR00502). All assets previously held in the conservatorship estate were transferred to the SNT. Upon the petition of Matthew Miller to become Successor Conservator of the Person and Estate; the Court did not find a need for further conservatorship of the estate, and granted conservatorship of the person only.

- 1. Notice of Hearing was not served on Alison Miller (Conservatee) pursuant to Probate Code §§ 2581(a) and 1460(a)(2).
- 2. Need new order in compliance with Local Rule 7.6.1.D., E. (Probate orders shall be drawn so that their general effect may be determined without reference to the petition on which they are based. The proposed will should be attached to the order, and the signature line should appear at the end.

Note: Alison Miller resides at Melendez Family Home, a care home in Terra Bella, CA., and receives services from CVRC.

Reviewed by: skc

Reviewed on: 7-10-12

Updates:

Recommendation:

File 1 - Miller

Heather Schmidt (GUARD/E) 2

Case No. 07CEPR00883

Atty Roberts, David A. (for Karin Schmidt – Guardian/Petitioner)

> (1) Third and Final Account and Report of Guardian; (2) Petition for Allowance of and (3) for Termination of Guardianship [Prob. C. 2620]

Attorneys'					s and C	osts and (3) for Te	
Age: 18 DOB: 05/03/94			KARIN SCHMIDT, mother and Guardian, is Petitioner.				
				Account period: 04/01/11 - 03/30/12			
Сс	Cont. from			Accounting Beginning POH		\$37,710.52 \$37,618.44	
✓	Aff.Sub.Wit.		Ending POH		-	\$36,915.52	
	Inventory		Guard	dian	_	waives	
	PTC Not.Cred.		A 44			¢210.50 /	
✓	Notice of Hrg		Attorney - \$312.50 (per itemization for drafting and review of Third and Final Accounting)				
√	Aff.Mail Aff.Pub.	w/	Costs		_	\$395.00	
	Sp.Ntc.		(filing	fees)		φονοίου	
	Pers.Serv.		Potitio	nor statos t	hat Ua	ather Schmidt is	
	Conf. Screen		Petitioner states that Heather Schmidt is now 18 and requests that the				
	Letters		Guardianship of the Estate be terminated.			ne be	
	Duties/Supp						
	Objections Video Receipt		Petitioner prays for an Order: 1. Approving, allowing and settling the third and final account;			ng and settling	
	CI Report		2.			torney fees	
	9202		۲.	and costs;	•	1011107 1003	
~	Order		3.			Guardianship of ther Schmidt;	
	Aff. Posting			and			
	Status Rpt		4.	_		chmidt from her	
	UCCJEA			duties as g	luardiai	n of the estate.	

Citation

FTB Notice

NEEDS/PROBLEMS/COMMENTS:

1. The Petition indicates that Heather Schmidt turned 18 on May 3, 2012; however, the account period only goes through 03/30/12. The Court may require more information regarding any activity and the status of the property on hand.

Note:

Petitioner requests to be released from her duties as guardian of the estate; however, the guardian may only be released upon the filing of an Ex Parte Petition for Final Discharge and Order.

The relief requested in the Petition does not match the relief stated in the submitted Order. The Order includes a statement that the property on hand be distributed outright to Heather Schmidt (which is not requested in the Petition); and does not request that Karen Schmidt be released from her duties as Guardian of the Estate (which can only be done upon the filing of Ex Parte Petition for Final Discharge and Order) (see note above).

Reviewed by: JF **Reviewed on:** 07/10/12 **Updates: Recommendation:** File 2 - Schmidt

2

Atty

Calhoun, Ronald L (for Petitioner – Kenneth Georgeson)

Spousal or Domestic Partner Property Petition (Prob. C. 13650)

	Spousal or Domestic Partiner Property Petition (Prob. C. 13650)								
DC	D: 03/24/2012	KENNETH GEORGESON, surviving spouse	NEEDS/PROBLEMS/COMMENTS:						
		is petitioner.							
		No other proceedings							
Сс	ont. from	Decedent died intestate.							
	Aff.Sub.Wit.	Decederii dica irriesiale.							
	Verified	Petitioner states: the petitioner and the							
✓	Verified	decedent were married on April 24,							
	Inventory	1977. During the parties marriage, they							
	PTC	operated a diary facility, dba							
	Not.Cred.	Georgeson Dairy. The dairy facility was							
1	Notice of	allocated a Pooling Certificate #05070							
~	Hrg	by the California Department of Food							
/		and Agriculture. The Polling Certificate							
Ě		#05070 was taken as community							
-	Aff.Pub.	property.							
	Sp.Ntc.	There are no creditors for the business,							
	Pers.Serv.	dba Georgeson Dairy, or on the							
	Conf.	Pooling Certificate #05070							
	Screen								
	Letters	All of the property in the petition was							
	Duties/Supp	acquired during the marriage and paid							
	Objections	for using funds earned during the							
	Video	marriage.							
	Receipt	Dell'in a constant Constant in the							
	CI Report	Petitioner requests Court confirmation							
	9202	that ½ of the business, dba Georgeson Dairy, and ½ of the California							
1	Order	Department of Food and Agriculture							
—		Pooling certificate #05070 passed to							
	Aff. Posting	Kenneth Georgeson on the death of	Reviewed by: KT / LV						
	Status Rpt	Judy Ann Georgeson, aka Judy	Reviewed on: 07/09/2012						
	UCCJEA	Georgeson and that the remaining $\frac{1}{2}$	Updates:						
	Citation	of the business, dba Georgeson Dairy,	Recommendation:						
	FTB Notice	and the California Department of Food	File 9 - Georgeson						
		and Agriculture Pooling Certificate							
		#05070 is confirmed as belonging to							
		Kenneth Georgeson.							

Case No. 12CEPR00490

Edwards, Mark D (for Henry Sanchez – Petitioner – Brother in Law)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DC	D: 02/09/2012		HENRY SANCHEZ, brother in law /	NEEDS/PROBLEMS/COMMENTS:
	, , , , , ,		named executor without bond, is	, , , , , , , , , , , , , , , , , , , ,
			petitioner	1. Need Affidavit of Publication in
-				the correct newspaper pursuant
	ont. from		Full IAEA – o.k.	to Local Rule 7.9A. Petitioner
	1	- /		indicates residence was in
	Aff.Sub.Wit.	s/p	Will date d. 07/09/2005	Reedley therefore the correct
✓	Verified		Will dated: 07/08/2005	publication should be The
	Inventory			Reedley Exponent. Petitioner
	PTC		Residence: Reedley	published in The Business Journal.
	Not.Cred.		Publication: The Business Journal	
1	Notice of			
	Hrg		Estimated value of the estate:	
1	Aff.Mail	w/o	Personal property - \$5,000.00	
/	Aff.Pub.		Real property -\$100,000.00	Note: If the petition is granted status
—			Total: -\$105,000.00	hearings will be set as follows:
 	Sp.Ntc.			- Friday 10/01/0010 at
	Pers.Serv.			• Friday, 12/21/2012 at
	Conf.		Data ta Data a Glava Bista d	9:00a.m. in Dept. 303 for the
	Screen		Probate Referee: Steven Diebert	filing of the inventory and
✓	Letters			appraisal <u>and</u>
✓	Duties/Supp			• Friday, 09/20/2013 at
	Objections			9:00a.m. in Dept. 303 for the
	Video			filing of the first account and
	Receipt			final distribution.
	CI Report			
	9202			Pursuant to Local Rule 7.5 if the
1	Order			required documents are filed 10
				days prior to the hearings on the
				matter the status hearing will come
				off calendar and no appearance
				will be required.
	Aff. Posting			Reviewed by: KT / LV
	Status Rpt			Reviewed on: 07/07/2012
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 11 - Torres
				11

Shepard, Jefferson S. (for Petitioner – Barbara Clutter)

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 09/15/2011			BARBARA CLUTTER, niece / named	NEEDS/PROBLEMS/COMMENTS:
			executor without bond, is petitioner.	1 Detition is in a graph to Days #0
				Petition is incomplete. Page #2 of the Petition is not included.
			Full IAEA – o.k.	or me remorns her meleaca.
Co	nt. from			
	Aff.Sub.Wit.	s/p	N/511 1 1 1 00 /00 /1000	Note: If the petition is granted status
	Verified		Will dated: 09/09/1998	hearings will be set as follows:
	Inventory			• Friday, 12/21/2012 at
	PTC		Residence: Reedley	9:00a.m. in Dept. 303 for the
	Not.Cred.		Publication: Reedley Exponent	filing of the inventory and
✓	Notice of			appraisal and
	Hrg Aff.Mail	W	Estimated value of the estate: ?	
✓			<u></u>	• Friday, 09/20/2013 at
✓	Aff.Pub.			9:00a.m. in Dept. 303 for the
	Sp.Ntc.		Probate Referee: Steven Diebert	filing of the first account and
	Pers.Serv.			final distribution.
	Conf.			Pursuant to Local Rule 7.5 if the
	Screen			required documents are filed 10
✓	Letters			days prior to the hearings on the
1	Duties/Supp			matter the status hearing will come off calendar and no appearance
	Objections			will be required.
	Video			
	Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			Reviewed by: KT / LV
	Status Rpt			Reviewed on: 07/09/2012
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 12 - Giesbrecht

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14 David Scott Weaver (Estate)

Atty Motsenbocker, Gary L (for Petitioner – David Morse)

Petition for Probate of Will and for Letters Testamentary (Prob. C. 8002, 10450)

Case No. 12CEPR00521

DOD: 05/05/2012			DAVID MORSE, named executor	NEEDS/PROBLEMS/COMMENTS:
000.00/2012			without bond, is petitioner.	
			· '	1. Need Affidavit of Publication.
	nt. from		Full IAEA- ?	Note: If the polition is granted status
	Aff.Sub.Wit.	s/p		Note: If the petition is granted status hearings will be set as follows:
_	Verified	3/ (2	Will dated: 05/20/2008	nearings will be set as follows.
✓	vermed		77m darea. 66/26/2666	• Friday, 12/21/2012 at
	Inventory			9:00a.m. in Dept. 303 for the
	PTC		Residence: Squaw Valley	filing of the inventory and
	Not.Cred.		Publication: Needed	appraisal and
1	Notice of		Falimente di value of the catalo.	
	Hrg		Estimated value of the estate: Personal property -	• Friday, 09/20/2013 at
✓	Aff.Mail	W	\$10,000.00	9:00a.m. in Dept. 303 for the
	Aff.Pub.	Χ	Real property - \$100,000.00	filing of the first account and
	Sp.Ntc.		Total - \$110,000.00	final distribution.
	Pers.Serv.			Pursuant to Local Rule 7.5 if the
	Conf.		Probate Referee: Rick Smith	required documents are filed 10
	Screen			days prior to the hearings on the
✓	Letters			matter the status hearing will come
✓	Duties/Supp			off calendar and no appearance will be required.
	Objections			wiii be required.
_	Video			
	Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			Reviewed by: KT / LV
	Status Rpt			Reviewed on: 07/09/2012
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 14 – Weaver

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